



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500222-KE-25

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<b>Development</b>	<b>Removal of extension and construction of new extension to dwelling.</b>
<b>Location</b>	<b>Grangemellon, Athy , Co. Kildare</b>
<b>Planning Authority</b>	<b>Kildare County Council</b>
<b>Planning Authority Reg. Ref.</b>	<b>2461177</b>
<b>Applicant(s)</b>	<b>Patrick Percival &amp; Yvonne Carroll</b>
<b>Type of Application</b>	<b>Permission</b>
<b>Planning Authority Decision</b>	<b>Grant Permission + Conditions</b>
<b>Type of Appeal</b>	<b>Third Party Normal Planning Appeal</b>
<b>Appellant(s)</b>	<b>Patrick Percival &amp; Yvonne Carroll</b>
<b>Observer(s)</b>	
<b>Date of Site Inspection</b>	<b>27/01/2026</b>
<b>Inspector</b>	<b>David Freeland</b>

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Appendix 1 – Form 1: EIA Pre-Screening

## 1.0 Site Location and Description

- 1.1. The subject site is located within a small settlement within a rural townland (Grangemellon), circa 2km south of Athy. The surrounding area is characterised by agricultural fields interspersed with rural dwellings. The River Barrow is located c. 380m to the west of the subject site.
- 1.2. The site comprises a single storey semi-detached dwelling with an existing single storey extension to the rear with an adjoining shed structure beyond. The dwelling currently accommodates 2no. bedrooms. There is also a detached shed located to the south-east of the dwelling. The frontage to the site is relatively narrow (31.3m) although extends 150m from the front boundary to the rear. The site adjoins agricultural land to the east and boundaries with a number of one-off dwellings to the west.
- 1.3. The adjoining semi-detached dwelling to the west has a single storey extension to rear which sits adjacent to the extension to the rear of the subject dwelling for its full depth. The extensions have a shared valley between the pitched roofs to each extension.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing extension to the rear and the existing shed to facilitate the construction of a new extension to the rear of the dwelling and necessary renovations to same house and associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following receipt of Clarification of Further Information, Kildare County Council decided to grant planning permission for the development subject to 14no. conditions. These conditions are generally standard relating to the use and finish of the extension, surface water, wastewater treatment, noise/odour, line of sight to the entrance and hours of operation. Specific conditions relate to the preparation of a Construction and Demolition Resource Waste Management Plan and carriageway tie

in with the vehicular entrance to the dwelling (did not include widening/relocation of existing).

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

#### 3.2.2. There are three planning reports on file.

The first planning report on file dated 20/12/2025 is summarised as follows:

- Concerns were expressed relating to the design and layout of the extension which was considered to be unsympathetic to the scale, massing and character of the existing house and potential to result in overlooking.
- There is no requirement for appropriate assessment or environmental impact assessment.

#### 3.2.3. Other Technical Reports

- Environment Section: Report dated 15/11/2024 - Further Information requested.
- Environmental Health Officer: Report dated 18/12/2024 – no objection subject to conditions.
- Roads Department: Report dated 02/12/2024 - Further Information requested.
- Transportation, Mobility and Open Spaces Department: Report dated 18/12/2024 – Further Information Requested.
- Water Services: No report provided.

#### 3.2.4. Further Information (FI) was requested on 20/12/2024 relating to four items relating to the scale of the extension, potential overlooking, details of the existing WWTS, surface water drainage and the vehicular entrance tie in with the public road.

#### 3.2.5. FI was received on 22/07/2025 (after extension of FI period by 3 months) which in summary highlighted that; the scale and footprint of the extension was reduced, an external consultant report suggested sufficient capacity within the existing WWTS, surface water drainage details and proposed treatment for the vehicular entrance tie in with the public road.

- 3.2.6. The second planning report on file is dated 12/08/2025. The planning authority maintained concerns that the extension was not subservient to the main dwelling and did not have sufficient amenity for future occupants. Clarification of further information was requested. All other issues were deemed to be adequately addressed by the applicant.
- 3.2.7. Other Technical Reports relating to the FI indicated no further objection subject to conditions.
- 3.2.8. Clarification of Further Information was requested on 13/08/2025 relating the roof profile of the extension and residential amenity of the proposed extension.
- 3.2.9. Clarification of Further Information was received on 15/09/2025 which included a further revised design of the extension.
- 3.2.10. The third planning report on file is dated 08/10/2025 considered the revised design to be acceptable and it was recommended to grant permission.

### 3.3. **Prescribed Bodies**

Uisce Éireann: no report received.

### 3.4. **Third Party Observations**

1no. third party observation was received from the owner of the adjoining property which is summarised as follows:

- The extension proposed to be demolished and the existing extension to rear of adjoining property share the same rainwater run-off (valley).
- A registered and insured builder should carry out the proposed works.
- Any other works that cause interference with the neighbouring property should be consulted and addressed prior to work being carried out.

## 4.0 **Planning History**

No previous planning applications.

### Enforcement

## 5.0 Policy Context

### 5.1. Development Plan

#### Kildare County Development Plan 2023 – 2029

Chapter 15 sets out the relevant Development Management Standards for extensions of dwellings. Relevant sections include:

- Section 15.4.12 Extensions to Dwellings

Appendix 4 Rural House Design Guide

### 5.2. Natural Heritage Designations

The following natural heritage designations are located in the general vicinity of the proposed development site:

- Barrow Valley at Tankardstown Bridge pNHA (Site Code: 000858) located 1.2km to the south.
- Grand Canal pNHA (Site Code: 002104) located 2.9km to the north.
- Ballylynan pNHA (Site Code: 000857) located 3.5km to the south-west.

The following Natura 2000 sites are located within the vicinity of the subject site:

- River Barrow and River Nore SAC (Site Code: 002162) located 0.169km to the west.

### 5.3. EIA Screening

- 5.3.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

#### 5.4. Water Framework Directive

The subject site is located in rural area within close proximity to the Barrow\_140 Waterbody IE\_SE\_14B011900. The subject site (c. 2km south of Athy) is located within an area characterised by agricultural lands with intermittent one off rural dwelling.

The proposed development comprises a single storey extension to the rear of an existing single storey semi-detached rural dwelling.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed extension of the existing dwelling and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no significant risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development

#### Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third-party appeal (occupants/owner of the adjoining semi-detached dwelling) of the planning authority's decision to grant permission has been submitted. The grounds of appeal can be summarised as follows:

- The appellant raises concerns regarding the impact of demolishing the existing rear extension on the shared roof valley with the adjoining property including implications for drainage, weatherproofing, maintenance access and the structural integrity of the adjoining extension which is stated to rely on the existing valley arrangement.
- The appellant contends that the boundary line on submitted plans passes through their building and request the planning authorities to inspect the true boundary before proceeding.

### 6.2. Applicant Response

A first part response to the third-party appeal was received which is summarised as follows:

- In response to the third-party concerns, the applicant has proposed retaining a part of the existing roof in which the shared valley is located and convert this area into an outdoor storage unit for bins/bikes etc. Revised plans have been submitted reflecting these changes.
- In response to the boundary line concern, the appellant has attached a copy of the land registry folio for the property and its associated map of which they state matches that used with the planning submission.

### 6.3. Planning Authority Response

In a letter dated 04/12/2025, the planning authority confirmed its decision and referred to the Planner's Report and various technical department reports in relation to the assessment of the planning application.

#### 6.4. **Observations**

None

#### 6.5. **Further Responses**

A further response of the third-party appellant was received in response to the applicant's (first party) comments which is summarised as follows:

- The appellant indicates that acceptability of the application is dependent on the existing roof valley and associated rainwater goods serving their property remain unaltered and uninterrupted during and following the proposed works.
- Concern is expressed regarding the use of the external storage space for housing of dogs on the basis of possible noise and odour issues.
- Site boundaries should be verified to ensure accuracy.

#### 7.0 **Assessment**

7.1. The proposed development comprises the demolition of an existing rear single storey extension to a semi-detached single storey dwelling and a detached shed to facilitate the construction of a new extension to a semi-detached dwelling within a rural location. Relevant policy for extensions to dwellings in rural areas is set out under Section 15.4.12 and Appendix 4 – Rural House Design Guide of the Kildare County Development Plan 2023-2029 which recognise that sensitively designed extensions can be can accommodate the changing needs of occupants subject to the protection of residential and visual amenities. Therefore, I consider that the principle of an extension of the existing dwelling at this location is acceptable in principle subject to appropriate design, scale and servicing arrangements.

7.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Impact on Visual and Residential Amenities

- Structural Impact to the Neighbouring Property
- Services
- Other Matters

### **7.3. Impact on Visual and Residential Amenities of the Area**

- 7.3.1. The proposed development comprises the demolition of the existing single storey rear extension and the construction of a replacement extension to the rear of the semi-detached dwelling. The design, scale and roof profile of the extension was revised following further information and clarification of further information. Similar to the assessment of the planning authority, I am satisfied that the final proposal is appropriately proportioned relative to the main dwelling structure, will be largely screened from public view and reads as subordinate in visual terms. I am satisfied that the final design complies with the principles set out in Section 15.4.12 and guidance contained within Appendix 4 of the Rural House Design Guide.
- 7.3.2. The dwelling forms part of a semi-detached pair of dwelling with both properties having existing rear extensions. The final proposal does not result in undue overlooking, overshadowing or have an overbearing impact upon the adjoining dwelling on the basis of the scale/height of the extension and existing built context to the neighbouring property. The third-party appeal raised no concerns relating to the scale and height of the extension. I am aligned with the planning authority's assessment and consider that the development will not adversely affect the amenities of the neighbouring properties.

### **7.4. Structural Impact to the Neighbouring Property**

- 7.4.1. The central issue raised in the third-party appeal (and their further response received by the Commission) relates to the demolition of the existing rear extension and the implications that it may have for the shared roof valley arrangement between the subject dwelling and the adjoining property. Concerns of the third party relates to the rainwater disposal, weather proofing, access for maintenance and potential impacts on the structure integrity of their existing extension.
- 7.4.2. In response to these concerns, the applicant has submitted a revised solution which proposes the retention of the portion of the existing roof structure containing the

shared valley with the area repurposed as a covered external storage. The submitted plans indicate that the western wall and portion of the rear wall of the existing rear extension will be retained to allow the shared valley to be retained as existing.

- 7.4.3. I consider that the applicant's new proposal is reasonable, proportionate and technically workable. I am satisfied that the proposal addresses the core concerns outlined within the third-party appeal (and further response received by the Commission) without necessitating intervention with the appellant's roof structure including exposing party walls or finishes to the elements. I do not consider that the retention of the existing structures raises any visual or residential amenity concerns. To ensure that the development does not impinge upon or cause damage to the neighbouring property and in particular the drainage serving that dwelling, it may be appropriate to address this through inclusion of a condition. I consider that it is appropriate to grant permission based on the proposal received by the first party in response to the third-party appeal.

## 7.5. **Services**

- 7.5.1. The initial further information request sought confirmation that the existing on-site wastewater treatment system could accommodate the additional loading associated with the proposed development. The applicant submitted a report which indicated details of a non-invasive visual inspection of the existing septic tank and its specifications/capacity. The planning authority and internal departments of LCC indicated no further objection to the current septic tank subject to conditions. Based on the information provided by the applicant, the reports of the planning authority, I am satisfied that the wastewater treatment system is sufficient to serve the proposed development.
- 7.5.2. Following submission of further information, surface water drainage proposals (which included roadside drainage and soakholes) were assessed by the planning authority and were found to be acceptable subject to conditions. I am satisfied that the surface water will be adequately managed on-site with no adverse impacts on adjoining lands or the public road.

## 7.6. Other Matters

### Conditions

- 7.6.1. The planning authority included a number of standard conditions within their notification of the grant of permission relating to sightlines and the existing wastewater treatment. The development did not include for amendments to the aforementioned (save for tie in with macadam surfacing to the existing entrance with the carriageway agreed at FI stages). As such I do not consider provision of these conditions to be warranted. Having regard to the scale of development, I further do not consider that preparation of a Construction and Demolition Resource Waste Management Plan (RWMP) is necessary and instead a specific condition relating to the retention of the western boundary wall is appropriate.

### Site Boundary

- 7.6.2. The appellant has contended that the boundary line on submitted plans pass through their building. I note that the submitted site layout plan at CFI stages does suggest that the redline boundary extends through the south-eastern corner of the rear extension to the neighbouring property. The first party response to the appeal has included a copy of the map associated with the folio for the subject lands which suggest that it aligns with the boundary used within the application drawings (as stated by the first party). I am of the view that the site layout provided at the CFI stage may have a graphical error which illustrates the extension to the rear of the adjoining property extending into the redline boundary. I do not consider this matter precludes a grant of permission and consider the provisions of S34(13) of the Planning and Development Regulations, 2001, as amended to be relevant (a person shall not be entitled solely by reason of a permission under this section to carry out any development.)

## 8.0 AA Screening

- 8.1.1. The proposed development comprises a single storey extension to the rear of a semi-detached single storey dwelling located within a rural area. No nature conservation concerns were raised in the planning appeal.

- 8.1.2. Having considered the nature, small scale and location of the project, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because there is no significant risk to any European Site.
- 8.1.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Appropriate Assessment, therefore, is not required.

## **9.0 Recommendation**

- 9.1.1. I recommend that permission be granted for the single storey extension to the rear based on the below reasons and considerations and subject to the conditions hereunder.

## **10.0 Reasons and Considerations**

- 10.1.1. Having regard to the scale, layout and design of the development, the existing built context to the adjoining property and the drawings as submitted on appeal, it is considered that the proposed development, subject to the compliance with the conditions set out below, would not seriously injure the amenities of the area or the property in the vicinity and would not conflict with the objectives of the Kildare County Development Plan 2023-2029 relating to extensions of dwellings and rural house design guidance. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Commission on the 26th November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement

of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. The existing western boundary wall and shared valley with the adjoining semi-detached dwelling shall not be damaged or undermined as a result of the proposed works. Specifically, measures shall be implemented to provide for protection during works to allow for retention of the existing western boundary wall and shared valley. Any damage to the wall and shared valley to be retained shall be repaired in a manner which matches the existing walls on site.

Reason: In the interest of orderly development.

5. The Applicant shall ensure that there is a pavement overlay of Stone Mastic Asphalt (SMA) for the carriageway tie in, recessed entrance area in front of the vehicle entrance area and shall be constructed generally in accordance with Site Layout Plan Drawing No. 225-661-000B submitted to the Planning Authority on the 22/07/2025. The development works shall be carried out with the agreement of the MD Office/Planning Authority.

Reason: In the interest of proper planning & development and Road Safety.

6. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(c) The vehicular entrance and access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of public health, traffic safety and to prevent flooding or pollution.

7. Site development and building works shall be carried out between the hours of 07:00 to 18:00 Mondays to Fridays inclusive, between 08:00 to 14:00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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David Freeland  
Planning Inspector

29th January 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Coimisiún Pleanála Case Reference</b>	PL-500222-KE-25		
<b>Proposed Development Summary</b>	Removal of extension and construction of new extension to dwelling.		
<b>Development Address</b>	Grangemellon, Athy, Co. Kildare		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	✓
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>	✓	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	✓	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_